

Appl. No.: 10/035,348
Amdt. Dated: 10/12/2005
Off. Act. Dated: 08/04/2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Allowance of Claims**

The Examiner's allowance of claims 40-56 is noted with thanks.

2. **Objections to Claims 49-55**

The Examiner has objected to claims 49-55 as being duplicates of claims 45-48. This objection, however, is confusing when considered in conjunction with the allowance of claims 40-56. Nonetheless, claims 49-55 have been treated as follows:

a. **Claims 49-54**: Claims 49-52 have been canceled as duplicates of claims 45-48, respectively, and claims 53-54 have been canceled as duplicates of claims 47-48, respectively.

b. **Claim 55**: It is respectfully submitted that claim 55 is not a duplicate of any other claims in the application. Thus, claim 55 has been retained.

3. **Rejection of Claims 1-39 under 35 U.S.C. § 102(b)**

Claims 1-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kristol et al. (U.S. Patent No. 5,541,927). These claims have been canceled, rendering moot the rejection under 35 U.S.C. § 102(b).

4. **Rejection of Claims 8, 21, and 28 under 35 U.S.C. § 103(a)**

Claims 8, 21, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kristol et al. (U.S. Patent No. 5,541,927) in view of Baumgartner et al. (U.S. Patent No. 5,195,086). These claims have been canceled, rendering moot the rejection under 35 U.S.C. § 103(a).

5. **Amendments Made Without Prejudice or Estoppel.**

Notwithstanding the amendments made as provided above, Applicants have made these amendments in order expedite allowance of the currently pending subject matter. However, Applicants do not acquiesce in the original ground for rejection with

Appl. No.: 10/035,348
Amdt. Dated: 10/12/2005
Off. Act. Dated: 08/04/2005

respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice for example.

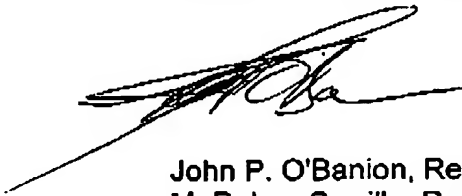
6. Conclusion.

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present Application to pass to issuance.

All claims that remain in the present application should be allowable in their current form. In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: 10/12/05

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201
M. Robyn Carrillo, Reg. No. 47,474
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010